

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

CATHERINE GORDON, et al.,

Plaintiffs,

v.

DECISION AND ORDER

KALEIDA HEALTH, et al.,

08-CV-378S

Defendants.

1. Since this Court last issued a Text Order in this matter, on May 4, 2009, Plaintiffs have filed four additional motions. Each is dealt with below.

2. Plaintiffs' Motion for Consideration of Additional Authority (Docket No. 181) in support of their Motion for Expedited Notice to Affected Employees is GRANTED.

3. Plaintiffs' Motion for Consideration of Additional Authority (Docket No. 184) in support of their Motion for Expedited Notice to Affected Employees is GRANTED.

4. Plaintiffs have filed a Motion to Strike (Docket No. 188) a memorandum Defendants filed in response to the additional authority appended to Plaintiffs' Motion at Docket No. 181. Alternatively, Plaintiffs seek leave to file a reply memorandum. Defendants' responding memorandum seeks to distinguish Plaintiffs' additional case, decided by the Western District of Pennsylvania, from precedent in this Circuit. Where Plaintiffs have asked this Court to consider additional authority, Defendants are entitled to respond to the applicability or relevance of that authority, including citations to further authority relating to the underlying issue. The Court has reviewed Plaintiffs' additional authority and Defendants' response, and has determined that no further briefing is

required. Accordingly, Plaintiffs' Motion to Strike, or alternatively, for Leave to File a Reply (Docket No. 188) is DENIED.

5. On June 11, 2009, Plaintiffs filed a Motion for Equitable Tolling of the Fair Labor Standards Act's Statute of Limitations. (Docket No. 191.) Defendants' response is due no later than **July 2, 2009**, and Plaintiffs' reply is due no later than **July 17, 2009**.

SO ORDERED.

Dated: June 16, 2009
Buffalo, New York

/s/William M. Skretny

WILLIAM M. SKRETNY
United States District Judge